

Richborough Connection Project Compulsory Acquisition Hearing

Wednesday 19 October and Thursday 20 October 2016

Canterbury Cathedral Lodge, Clagett Auditorium, The Precincts,
Canterbury, Kent, CT1 2EH

9.30am for 10.00am start

Purpose of the compulsory acquisition hearing

1. To consider the compulsory acquisition and related provisions within the Development Consent Order (DCO);
2. To consider whether the conditions relating to the land being required for the proposed development or required to facilitate or be incidental to that proposed development are met; and
3. To consider whether there is a compelling case in the public interest for the compulsory acquisition provisions.

Invited attendees:

All Interested Parties are invited to attend the hearing.

Those attending should however be aware that this agenda is sub-divided into matters to be considered on Wednesday 19 October and those to be considered on Thursday 20 October.

On completion of the Wednesday agenda items, the hearing will be adjourned. The hearing will resume on the Thursday at 10.00am in the same venue for the consideration of the Thursday agenda items.

The following parties are invited to attend because the Examining Authority (ExA) considers that the material they have submitted raises issues that the ExA may wish to explore at the hearing:

- National Grid, the Applicant
- South East Water
- Those affected persons¹ wishing to make oral representations to the ExA under agenda item 12.

¹ Those persons whose land is proposed to be subject to compulsory acquisition or otherwise interfered with by the use of compulsory powers

Agenda

WEDNESDAY 19 OCTOBER 10.00am

1. **Welcome, introductions and arrangements for this day of the hearing**
2. **The draft Development Consent Order (DCO) provisions**
 - a. The Applicant will be invited to briefly set out in summary form:
 - Which articles of the DCO engage compulsory acquisition and temporary possession powers.
 - Whether the DCO excludes the application of a compensation provision or modifies the application of a compensation provision beyond that necessary to enable the compensation provision to be applied.
 - Whether protective provisions are in a satisfactory form that is agreed with relevant parties.
3. **The statutory conditions and general principles applicable to the exercise of compulsory acquisition and related powers**
 - a. Whether the purposes for which the compulsory acquisition powers are sought comply with section 122(2) of the Planning Act 2008.
 - b. Whether the proposal would comply with DCLG guidance on associated development and compulsory acquisition.
 - c. Whether consideration has been given to all reasonable alternatives to compulsory acquisition and temporary possession and whether there are any lesser steps that could meet the identified need.
 - d. Whether the rights to be acquired, including those for temporary possession, are no more than is reasonably necessary and proportionate for the purposes of the development.
 - e. Having regard to section 122(3) of the PA 2008, whether there is a compelling case in the public interest for the compulsory acquisition in relation to:
 - The need in the public interest for the project to be carried out.
 - The private loss to those affected by compulsory acquisition.
4. **Further representations by affected persons**
 - a. South East Water
5. **Applications made under section 127 Planning Act 2008**
6. **Applications made under section 138 Planning Act 2008**
7. **Whether adequate funding is likely to be available**
 - a. The financial status of, and any relevant agreement between, the Applicant and UK Power Networks.

- b. The security of the funding in the event that any or all of the benefit of the DCO is transferred to another person.
- c. The resource implications of a possible acquisition resulting from a blight notice.

8. Action points arising from this day of the hearing

9. Any other matters

Hearing to be adjourned

THURSDAY 20 OCTOBER 10.00am

10. Welcome, introductions and arrangements for this day of the hearing

11. The draft Development Consent Order (DCO) provisions

- a. The Applicant will be invited to briefly set out in summary form:
 - Which articles of the DCO engage compulsory acquisition and temporary possession powers.
 - Whether the DCO excludes the application of a compensation provision or modifies the application of a compensation provision beyond that necessary to enable the compensation provision to be applied.

12. Representations by affected persons and other interested parties

- a. Affected persons who requested a compulsory acquisition hearing and wish to make oral representations.
- b. Other affected persons wishing to make oral representations.
- c. Category 3 persons² wishing to make oral representations.
- d. Any section 102 parties.
- e. Any other matters.

13. Human Rights

- a. Regard had to Article 8 of the European Convention on Human Rights and Article 1 of the First Protocol.
- b. The degree of importance attributed to the existing uses of the land proposed to be acquired.

² Those persons whose land is not proposed to be subject to compulsory acquisition but whose land or property may be affected by the construction or use of the proposed development such that they may be able to make claims for compensation (section 57(4) Planning Act 2008 (as amended))

- c. The weighing of any potential infringement of Convention rights against the potential public benefits if the DCO is made.
- d. Whether there are any Equality Act duties relevant to the application and, if so, how these have been addressed.

14. Crown land

- a. The position in relation to Crown land having particular regard to the provisions of section 135 of the PA 2008.

15. Section 132 open space land

- a. The Applicant to provide an update on this topic.

16. Action points arising from this day of the hearing

17. Any other matters